

Thomas L. Denin and Mrs. Dan Sanders to the Members of the Senate.

House Bill on First Reading

The following bill received from the House today was read the first time and was referred to the committee indicated:

H. B. No. 108, to the Committee on Civil Jurisprudence.

Conference Committee on House Joint Resolution 10

Senator Hardeman called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. J. R. No. 10 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Hardeman, Rogers of Childress, Lane, Weinert and Moffett.

Conference Committee on House Bill 671

Senator Parkhouse called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 671 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Parkhouse, Kelley, Latimer, Fuller and Bracewell.

Conference Committee on House Bill 628

Senator Parkhouse called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 628 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Parkhouse, Latimer, Kelley, Fuller and Bracewell.

Adjournment

On motion of Senator Aikin the Senate at 5:13 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

SIXTY-SECOND DAY

(Thursday, May 14, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Weinert

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, we would not be as the hypocrite who would pray long prayers to be heard of men. Thou hast told us of two men who went into the temple to pray. One of them simply said, "God be merciful to me a sinner." Help us to make this the prayer of our hearts. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Strauss.

Reports of Standing Committees

Senator Corbin submitted the following report:

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 609, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be printed, but that the committee substitute in lieu thereof, as amended, do pass and be printed.

CORBIN, Chairman.

C. S. H. B. No. 609 was read the first time.

Senator Lane submitted the following reports:

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 809, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 108, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 90, have had the same

under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 168, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, to whom was referred H. B. No. 845, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Ashley submitted the following report:

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 109, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

House Concurrent Resolution 90 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent of the Senate H. C. R. No. 90 was ordered not printed.

House Bill 525 on Second Reading

Senator Latimer asked unanimous consent to suspend the regular order of business to take up for con-

sideration at this time H. B. No. 525.

There was objection.

(Senator Moffett in the Chair.)

Senator Latimer moved to suspend the regular order of business to take up H. B. No. 525.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Ashley	Phillips
Bell	Rogers
Colson	of Childress
Corbin	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Willis
McDonald	

Nays—3

Bracewell	Parkhouse
Martin	

Absent

Fuller	Rogers of Travis
Moore	

Absent—Excused

Weinert

The presiding officer laid before the Senate for consideration at this time the following bill:

H. B. No. 525, A bill to be entitled "An Act to amend Subsection A of Section 5 of H. B. No. 168, Acts 1947, Fiftieth Legislature, Chapter 352, regulating retirement compensation for State employees, by adding a provision entitling any member to his service retirement allowance who shall have completed twenty years or more of creditable service as a law enforcement officer of the Department of Public Safety, Game and Fish Commission, Liquor Control Board, of the State of Texas, and declaring an emergency."

The bill was read second time and passed to third reading.

(President in the Chair.)

Motion to Place House Bill 525 on Third Reading

Senator Latimer moved that the

constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 525 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present).

Yeas—23

Aikin	Moffett
Ashley	Moore
Bell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Kelley	Strauss
Lane	Wagonseller
Latimer	Willis

Nays—6

Bracewell	McDonald
Lock	Parkhouse
Martin	Rogers of Travis

Absent

Shireman

Absent—Excused

Weinert

Senate Resolution 276

Senator Bell offered the following resolution:

Whereas, We are honored today to have present in the Senate Chamber Olin Strauss, age 12. and Gus J. Strauss, Jr., age 9, and

Whereas, they are the sons of our distinguished colleague, Senator Gus J. Strauss, now therefore, be it

Resolved, That Olin Strauss and Gus J. Strauss, Jr., be and they are hereby appointed honorary pages of the Senate for the day.

BELL.

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Lane, Latimer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Kelley, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senator Bell presented Olin and Gus, Jr., Strauss to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 232, A bill to be entitled "An Act authorizing and empowering the Board of Regents of the Texas Technological College to levy a regular fixed student fee for the purpose of operating, maintaining, and improving the Texas Technological Student Union Building at the Texas Technological College of Texas; fixing the amount of said fee; authorizing the auditor of the Texas Technological College to collect the same, and providing the purpose for which said fee shall be used; placing the control of the fees in the hands of the Board of Directors of the Texas Technological Student Union; providing for a budget for the operation of said Union; and declaring an emergency."

S. B. No. 345, A bill to be entitled "An Act providing for zoning of Padre Island lying within Cameron and Willacy Counties by the Commissioners Courts of said counties on recommendation of a zoning commission of seven members to be appointed by said Commissioners Courts; etc.; declaring an emergency; and providing for the effective date of the Act."

S. B. No. 163, A bill to be entitled "An Act amending Section 3 of Article VI of Senate Bill No. 116, Acts of 51st Legislature, Regular Session, 1949, Chapter 334, page 625, (Article 2922-16, Section 3, Vernon's Annotated Civil Statutes) to provide for the computation annually of the Economic Index for Counties by using three (3) year average of factor data; etc., and declaring an emergency."

The House has concurred in Senate

amendments to H. B. No. 856 by vote of 117 yeas, 3 nays and 1 present not voting.

H. C. R. No. 115, Suspending the Joint Rules.

S. B. No. 340, A bill to be entitled "An Act relating to the financing of expanded services of the Board for State Hospitals and Special Schools; etc.; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act to amend Section 28 of House Bill No. 59, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended by Section 1 of House Bill No. 475, Chapter 179, Acts of the 43rd Legislature, Regular Session, 1933 (Article 6166x1, Vernon's Texas Civil Statutes); etc.; and declaring an emergency."

S. B. No. 298, A bill to be entitled "An Act allowing additional compensation for justices of the peace, regardless of whether they are compensated on a fee or salary basis; providing that this Act shall be cumulative of other laws pertaining to such compensation; providing for a severability clause; and declaring an emergency."

(With amendments.)

S. B. No. 314, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the General Laws of this State; etc.; and declaring an emergency."

S. B. No. 231, A bill to be entitled "An Act providing for salaries of certain Justices of the Peace and Constables; providing for the number and salaries of deputies of such Justices of the Peace and Constables; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 31, A bill to be entitled "An Act to amend Title 96, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto new Articles to be known as Articles 5921b, 5923a, respectively; classifying non-resident minors who seek relief under the provisions of said three new articles; providing a method whereby certain minors who are nonresident owners of real property interests in

this State may have their disabilities of minority removed by decree of a District Court in any county in this State in which such person's property or a portion thereof may be situated; defining the word 'State' as including a territory or territorial possessions of the United States; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 859 by vote of 127 yeas, 1 nay.

S. B. No. 149, A bill to be entitled "An Act to amend Article 2785, Revised Civil Statutes of 1925, as amended by House Bill No. 15, Acts of 44th Legislature, Second Called Session, 1935, Chapter 476, page 1876, to remove the time limitation therein fixed concerning the holding of subsequent maintenance tax elections within a school district; and declaring an emergency."

The House has adopted the Conference Committee Report on S. B. No. 21 by a vote of 116 yeas, 11 nays.

The House has concurred in Senate amendments to H. B. No. 836 by vote of 125 yeas, 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 546 on Second Reading

On motion of Senator Rutherford, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 546, A bill to be entitled "An Act appropriating money for expenses of prosecution of State of Texas v. State of New Mexico, et al., in the Supreme Court of the United States; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 546 on Third Reading

Senator Rutherford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 546 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Shireman

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Shireman

Absent—Excused

Weinert

House Bill 474 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 474, A bill to be entitled "An Act amending the Insurance Code

of Texas, Acts 1951, 52nd Legislature, Chapter 491, by adding Article 5.76 requiring insurance companies and associations to organize an agency to be known as 'The Texas Workmen's Compensation Assigned Risk Pool' to provide workmen's compensation insurance for employers who have been rejected or whose insurance has been cancelled by any such insurance company or association; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 474 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 474 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Sadler
Kelley	Secrest
Lane	Strauss
Lock	Wagonseller
Martin	Willis

Nays—1

Rutherford

Absent

Latimer Shireman

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Martin, Hardeman, Russell, Ashley and McDonald asked to be recorded as voting "nay" on final passage of H. B. No. 474.

House Bill 316 on Second Reading

On motion of Senator Sadler, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 316, A bill to be entitled "An Act providing for the issuance of interest-bearing time warrants by school districts for the purpose of repairing and renovating school buildings, purchase of schoolroom and athletic equipment, equipping school properties with necessary heating, water, sanitation, lunchroom and electric facilities, acquiring sites for living quarters for teachers, for playgrounds, for stadia, and for athletic fields; etc.; and declaring an emergency."

The bill was read second time.

Senator Sadler offered the following amendment to the bill:

Amend House Bill 316 by striking out all above the enacting clause and substituting in lieu thereof the following:

"Providing for and regulating the issuance of interest-bearing time warrants by school districts for the purpose of repairing and renovating school buildings, purchase of school buildings and school equipment, equipping school properties with necessary heating, water, sanitation, lunchroom and electric facilities, or payment of indebtedness incurred in carrying out any of such purposes; providing certain limitations on the issuance and payment of time warrants; providing for approval of such interest-bearing time warrants by County Board of School Trustees in districts of one hundred and fifty (150) scholastics or less; validating interest-bearing time warrants heretofore issued by school districts; providing for the pledge of certain delinquent taxes, including interest and penalties thereon, to pay principal and interest on interest-bearing time warrants issued to repair and renovate school buildings, purchase school buildings and school equipment, equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; authorizing the fixing of a lien on property purchased with the proceeds of time warrants, subject to cer-

tain exceptions; defining the term 'interest-bearing time warrants'; providing that if any portion of the Act is held unconstitutional it shall not affect the validity of any remaining portion thereof; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The amendment was adopted.

Senator Sadler offered the following amendment to the bill:

Amend H. B. No. 316 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Any school district in the State of Texas in need of funds to repair and renovate school buildings; purchase school buildings and school equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; and said school district is financially unable, out of current available funds, to make such repairs and renovations of school buildings; purchase school buildings; purchase school equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; may, subject to the provisions hereof, issue interest-bearing time warrants in amounts sufficient to make such purchase, and improvements, any law to the contrary notwithstanding. Such warrants shall mature in serial installments of not more than five (5) years from their date of issue, and to bear interest at a rate not to exceed six per centum (6%) per annum. Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Any such interest-bearing time warrants so issued may be issued and sold by such district for not less than their face value, and the proceeds thereof used to provide the funds required for such repairs and renovations of school buildings, purchase of such school buildings and school equipment, pay for the equipping of school properties with necessary heating, water, sanitation, lunchroom and electric facilities. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due. Included in such purposes is the payment of any amounts owed by said school districts, which indebtedness

was incurred in carrying out any of such purposes.

Sec. 2. No such interest-bearing time warrants shall be issued or sold by a common school district, rural high school district, or an independent school district of less than one hundred and fifty (150) scholastics until the same shall have been approved by the County Board of School Trustees; and said Board shall, upon application of such school district, inquire into the financial conditions and needs of such district, and shall not approve the issuance of such interest-bearing time warrants unless in its opinion said district is in need of such repair and renovation of school building, and school equipment and to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities, and will be able with the resources in prospect to liquidate said warrants at their maturity.

Sec. 3. No school district in the State of Texas shall issue such interest-bearing time warrants in excess of one per cent (1%) of the assessed valuation of the district, for the year in which such interest-bearing time warrants are issued; nor shall the payment of such interest-bearing time warrants in any one year exceed the anticipated surplus income of the district for the year in which the warrants are issued, based on the budget of the district for said year, such anticipated income to be computed as follows:

The entire expected income of such school district from every source for the year in which such interest-bearing time warrants are issued, less teachers' salaries, bus aid included in the foundation fund, and that part of the local maintenance tax earmarked for salaries and known in the Gilmer-Aikin Law as the economic index or fund assignment. The anticipated income computation as herein defined shall be exclusive of all bond taxes.

No school district shall have outstanding at any one time warrants totaling in excess of Twenty-five Thousand Dollars (\$25,000) under the provisions of this Act.

Sec. 4. In every instance wherein interest-bearing time warrants or other evidence of indebtedness have been issued by school districts within the State of Texas for any of the purposes herein provided for, the act of the Board of Trustees, and/or gov-

erning board of such district in issuing such interest-bearing time warrants are each and all hereby expressly validated. The indebtedness thus attempted to be created by such action is hereby declared to be the indebtedness of such district and shall be paid out of available funds as herein provided.

Sec. 5. Whenever any such interest-bearing time warrants have been issued under this Act, and so long as any of them may be outstanding the officer in charge of the collection of delinquent taxes shall pay the same to legal depository of the district, to be deposited and held in a special fund for the payment of such interest-bearing time warrants, and except as herein otherwise provided, no part thereof shall be applied or used for any other purpose.

Sec. 6. Interest and penalties on delinquent taxes shall be deemed a part of such taxes for the purpose of this Act. Should any delinquent taxes, including interest and penalties, be cancelled, waived, released or reduced either by such school district or in any other way, with or without its consent, the amount of the loss so sustained shall be paid by the district to the special fund provided for herein out of funds not otherwise pledged to such special fund.

Sec. 7. All school districts issuing interest-bearing time warrants shall have the power to fix lien on and encumber and mortgage any and all property purchased with the proceeds of such warrants. Provided, however, there shall never be a valid lien authorized or fixed on any school building wherein actual classroom instruction of pupils attending such school is being carried on or conducted.

Sec. 8. The words "interest-bearing time warrant" as used in this Act mean promissory note, interest-bearing time warrant, obligation or other evidence of indebtedness issued under this Act.

Sec. 9. Taxes levied in any year to pay principal and interest of bonds and which taxes subsequently become delinquent for the purpose of this Act, shall not be included in the term taxes or revenues or delinquent taxes as herein used.

Sec. 10. All laws and parts of laws in conflict herewith be, and the same are hereby expressly repealed.

Sec. 11. If any section, subsection, paragraph, sentence, clause, phrase

or word in this Act or application thereof to any person, school, district or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the legislature hereby declares it would have passed such remaining portions despite such invalidity.

Sec. 12. The fact that many school districts of the State of Texas are in dire need of funds to repair and renovate school buildings; to purchase school buildings and school equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; and cannot secure such funds without the calling of a bond issue, and such lack of funds are inflicting hardships on the school children of the State of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and it is hereby, suspended and this Act shall be in full force and effect and shall take effect from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend amendment to H. B. No. 316 by adding the words "warrants" in line 41, page 2 of the following:

"and to fix a lien on and encumber any property, including teacherages owned by the district to secure the payment of legally incurred obligations."

The amendment was adopted.

The bill, as amended, was passed to third reading.

Record of Vote

Senator Shireman asked to be recorded as voting "nay" on the passage of H. B. No. 316 to third reading.

House Bill 316 on Third Reading

Senator Sadler moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 316 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Years—27.

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Kazen	Russell
Kelley	Rutherford
Lane	Sadler
Latimer	Secrest
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—1

Shireman

Absent

Fuller

Hazlewood

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Nays—1

Shireman

Absent

Fuller

Absent—Excused

Weinert

House Bill 39 on Second Reading

The President laid before the Senate as pending business H. B. No. 39 on second reading with a motion to reconsider the vote by which the Aikin

farm truck amendment was adopted pending.

Question—Shall the motion to reconsider the vote by which the amendment by Senator Aikin relating to exemption of "Farm Trucks" was adopted prevail?

The motion to reconsider prevailed by the following vote:

Yeas—16

Bell	Parkhouse
Bracewell	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Kazen	Russell
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Moore	

Nays—10

Aikin	McDonald
Ashley	Moffett
Hardeman	Phillips
Lock	Sadler
Martin	Secrest

Absent

Colson	Willis
Hazlewood	

Paired

Senator Rutherford (present), who would vote yea with Senator Weinert (absent), who would vote nay.

Question recurring on the amendment, it failed of adoption by the following vote:

Yeas—13

Aikin	Moffett
Ashley	Phillips
Hardeman	Russell
Hazlewood	Sadler
Lock	Secrest
Martin	Willis
McDonald	

Nays—16

Bell	Parkhouse
Bracewell	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Kazen	Rutherford
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Moore	

Absent

Colson

Absent—Excused

Weinert

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 39 by adding another sentence at the end of the sentence on page 2, line 42, of the printed bill to read as follows:

"Nor shall the provisions of this Act apply to farm machinery, farm trailers and motor vehicles used or driven on a road other than a State or Federal highway."

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Bell	Moore
Bracewell	Parkhouse
Corbin	Rogers of Travis
Fuller	Russell
Kazen	Shireman
Kelley	Strauss
Lane	Wagonseller
Latimer	

Nays—14

Aikin	Moffett
Ashley	Phillips
Colson	Rogers
Hardeman	of Childress
Hazlewood	Sadler
Lock	Secrest
Martin	Willis
McDonald	

Absent

Rutherford

Absent—Excused

Weinert

Senator Kelley offered the following amendment to the bill:

Amend H. B. No. 39, page 1, Section 2, line 47, by striking out everything after the word "provided" and inserting in lieu thereof the following:

"that provisions relating to the inspection of trailers and semitrailers shall not apply when the gross weight of such trailers or semitrailers and the load carried thereon is four thousand (4000) pounds or less."

Question—Shall the amendment by

Senator Kelley to H. B. No. 39 be adopted?

House Concurrent Resolution 115 on Second Reading

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 115, Suspending Joint Rules to permit House to consider Local and Uncontested Bill Calendar.

The resolution was read the second time and was adopted.

Bill Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bill:

S. B. No. 340, A bill to be entitled "An Act relating to the financing of expanded services of the Board for State Hospitals and Special Schools; authorizing additional purposes for which funds previously appropriated to said Board may be expended, provided the special and general provisions of H. B. No. 111, Acts 53rd Legislature, Regular Session, 1953, are complied with; amending Chapter 241, Acts 44th Legislature, Regular Session, 1935, as amended, and all other laws insofar as they conflict herewith; establishing the effective dates of this Act; and declaring an emergency."

Senate Resolution 277

Senator Rogers of Childress offered the following resolution:

Whereas, We are honored today to have in the gallery the Junior and Senior Classes of the Ocina High School of Willow, Oklahoma, accompanied by Earl Hager and Mrs. W. C. Jones, teacher and sponsor; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of our State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these classes and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal

of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Rogers of Childress presented the students and Mr. Hager and Mrs. Jones to the Members of the Senate.

House Concurrent Resolution 92 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 92, Be it resolved by the House of Representatives, the Senate concurring, that the Regular Session of the Fifty-third Texas Legislature do adjourn sine die on Wednesday, May 27th, at 12:00 o'clock noon.

The resolution was read.

Senator Aikin moved to postpone further consideration of H. C. R. No. 92 until 10:30 o'clock a. m. on Thursday, May 21, 1953.

Senator Moffett moved to table the motion to postpone.

The motion to table prevailed by the following vote:

Yeas—19

Ashley	Moffett
Bracewell	Parkhouse
Colson	Phillips
Fuller	Rogers of Travis
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	

Nays—11

Aikin	Moore
Bell	Rogers
Corbin	of Childress
Hardeman	Russell
Hazlewood	Wagonseller
McDonald	Willis

Absent—Excused

Weinert

Question recurring on the resolution, it was adopted.

Record of Vote

Senators Wagonseller, Hazlewood, Aikin, Hardeman, Moore, Rogers of Childress, McDonald, Corbin, Willis and Russell asked to be recorded as voting "nay" on the adoption of H. C. R. No. 92.

Reason for Vote

Legislature Should Assure Pay Raise

There has been too much evasive argument, not a little intellectual dishonesty, in the Legislature's discussions of the teachers' pay raise bill. There still is. The Legislature has spent a lot of the people's money talking.

It has been said by a considerable majority of both Houses that the teachers should have a substantial pay raise. They ought not go home without doing something that at least partly fulfills this commitment—in cash, not merely on paper.

Of the two leading measures before the House now, one would give the teachers a \$306 increase in minimum salaries, if and when the state wins its lawsuit over the natural gas-gathering tax. The other would give the teachers the benefit of the natural gas-gathering tax when and if validated by the courts, and it would go further by assessing a new tax against natural gas to pay for the raises up and until such time as the gas-gathering tax goes into effect. It would become void automatically when and if the gas-gathering tax goes into effect.

Under any circumstances, the Legislature should assure the teachers a raise. The chances seem to indicate that final adjudication of the gas-gathering tax case will be in its favor. The main point is that the Legislature, by passing a salary raise bill by heavy majorities, put itself on record as thinking that the teachers deserve a raise. They said the teachers deserve a \$600 raise. Surely they should do better than only halfway guarantee them half as much.

WAYNE W. WAGONSELLER

Recess

Senator Kelley moved the Senate stand recessed until 3:00 o'clock p. m. today.

Senator Phillips moved the Senate

stand adjourned until 10:30 o'clock a. m. on Monday, May 18, 1953.

Yeas and nays were demanded.

Question first on the motion to adjourn until Monday, May 18, 1953, the motion was lost by the following vote:

Yeas—9

Ashley	McDonald
Hardeman	Moffett
Lane	Phillips
Lock	Secrest
Martin	

Nays—19

Aikin	Parkhouse
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Hazlewood	Rutherford
Kazen	Shireman
Kelley	Strauss
Latimer	Wagonseller
Moore	Willis

Absent

Fuller	Sadler
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Absent—Excused

Weinert

Question next on the motion to recess until 3:00 o'clock p. m. today, the motion prevailed.

Accordingly, the Senate at 12:31 o'clock p. m. took recess until 3:00 o'clock p. m. today.

After Recess

The President called the Senate to order at 3:00 o'clock p. m. today.

House Bill 816 Re-referred

On motion of Senator Lane and by unanimous consent of the Senate H. B. No. 816 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Finance.

Presentation of Guests

Senator Strauss, by unanimous consent of the Senate, presented the 11th and 12th grade classes of Waller High School, with their teacher, Mrs. Celeste Eplan, to the Members of the Senate.

(Senator Aikin in the Chair.)

Presentation of Guests

Senator Latimer, by unanimous consent of the Senate, presented the 8th grade class of Immaculate Heart of Mary School of San Antonio, accompanied by their teachers, Sister Benedicta and Sister Angela, to the Members of the Senate.

Message From the House

Hall of the House of Representatives.
Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 49, Relating to use of local funds belonging to the Texas National Guard Armory Board, etc.

H. B. No. 449, A bill to be entitled "An Act amending Article 7470 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, prescribing the purposes for which public waters of this State may be appropriated; providing the amount or quantity of water so appropriated shall be specifically appropriated for such purpose or purposes, subject to the priority of appropriations set forth in Article 7471; providing no provision of the Act shall affect any vested rights of owners of certain lands of this State; repealing Article 7470a of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act amending Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, by adding Article 7467c; providing for the granting of seasonal and temporary permits to appropriate waters; amending Articles 7493 and 7515 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925; providing the provisions of the Act shall not affect the vested rights of owners of certain lands; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 4 and has requested the appointment of a conference committee to consider the differences between the two House, by 86 yeas, 47 nays and one present, not voting.

The House has appointed the following conferees: Pyle, Houston, Gray, Niemann, and Seeligson.

The House has adopted the conference committee report on H. B. No. 570 by a vote of 110 yeas, 3 nays.

The House has concurred in Senate amendments to H. B. No. 316 by a vote of 111 yeas, 3 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk House of Representatives.

Bills and Resolution Signed

The presiding officer announced the signing by the President, in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. C. R. No. 49, Relating to the use of local funds belonging to the Texas National Guard Armory Board as a participating fund for the construction in this State of armories financed in part by the United States Government.

S. B. No. 31, A bill to be entitled "An Act to amend Title 96, Revised Civil Statutes of Texas, 1925, as amended by adding thereto new articles to be known as Articles 5921b, 5922a and 5923a, respectively; classifying nonresident minors who seek relief under the provisions of said three new articles; providing a method whereby certain minors who are nonresident owners of real property interests in this State may have their disabilities of minority removed by decree of a district court in any county in this State in which such person's property or a portion thereof may be situated; defining the word "State" as including a territory or territorial possessions of the United States; and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to amend Article 2785, Revised Civil Statutes of 1925, as amended by House Bill No. 15, Acts of 44th Legislature, Second Called Session, 1935, Chap. 476, page 1875, to remove the time limitation therein fixed concerning the holding of subsequent maintenance tax elections within a school district; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act to amend Section 28 of Sen-

ate Bill No. 59, Chapter 212, Acts of the Fortieth Legislature, Regular Session, 1927, as amended by Section 1 of House Bill No. 475, Chapter 179, Acts of the Forty-third Legislature, Regular Session, 1938 (Article 6166a1, Vernon's Texas Civil Statutes); requiring the General Manager of the Texas Prison System, etc.; and declaring an emergency."

S. B. No. 232, A bill to be entitled "An Act authorizing and empowering the Board of Regents of the Texas Technological College to levy a regular fixed student fee for the purpose of operating, maintaining, and improving the Texas Technological Student Union Building; and declaring an emergency."

S. B. No. 345, A bill to be entitled "An Act providing for zoning of Padre Island lying within Cameron and Willacy Counties, etc.; and declaring an emergency."

S. B. No. 163, A bill to be entitled "An Act amending Section 3 of Article VI of Senate Bill No. 116, Acts of 51st Legislature, Regular Session, 1949, Ch. 334, page 625 (Article 2922-16, Sec. 3, V.A.C.S.), to provide for the computation annually of the Economic Index for Counties by using three (3) year average of factor data; etc.; and declaring an emergency."

Leave of Absence

Senator Fuller was granted leave of absence for the remainder of the day on account of important business on motion of Senator Shireman.

House Bill 254 on Second Reading

On motion of Senator Kazen, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 254, A bill to be entitled "An Act amending Article 4498a, Article 4499, Article 4499a, Article 4500, Article 4501, Article 4502, Article 4506, Article 4509, of the Revised Civil Statutes of Texas; providing for repeal of Article 4507 and Article 4508 of the Revised Civil Statutes of Texas; amending Article 743 of the Penal Code of Texas, requiring registration of licensed physicians, providing for duplicate licenses and endorsements, providing

for temporary permits, making provision for the compensation of Board members, providing a fee for license and reciprocal agreements, providing fees for examination and provision for revocation, cancellation and suspension, providing for the powers and duties of the Texas State Board of Medical Examiners, repealing all laws and parts of laws in conflict herewith, providing severability, and declaring an emergency."

The bill was read second time.

Senator Kazen offered the following committee amendment to the bill:

Amend House Bill 254 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 4498a of the Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Art. 4498a. Sec. 1. It shall be the duty of all persons now lawfully qualified to practice medicine in this State as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the 1st day of January, A. D. 1932, and thereafter to register in like manner annually, on or before the 1st day of January of each succeeding year. Each person so registering with the Texas State Board of Medical Examiners shall pay, in connection with each annual registration and for the receipt hereinafter provided for, a fee of Five Dollars (\$5.00), which fee shall accompany the application of every such person for such registration. Such payment shall be made to the Texas State Board of Medical Examiners. Every person so registering shall file with the Texas State Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his Post Office address, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where he is engaged in the practice of medicine, as well as the school of medicine to which he professes to belong and the number and date of his license certificate. All persons desiring to serve as interns or residents at hospitals in this State

shall register with the Texas State Board of Medical Examiners within thirty (30) days after beginning their service as a resident or intern, and shall pay a registration fee of one dollar (\$1.00) to the Texas State Board of Medical Examiners. Upon termination of said internship or residency, notification of such termination shall be given within thirty (30) days to the Texas State Board of Medical Examiners. Registration as an intern or resident does not authorize the practice of medicine as defined by law unless the other provisions regulating the practice of medicine have been complied with.

When a licensee under this Act shall have failed to pay his annual registration fee by March 1st, it shall be the duty of the Board, acting through its Secretary, to notify such licensee at his last known address by registered mail that his annual registration fee is due and unpaid. Fifteen (15) days after date of mailing such notice, it shall be the duty of the Board, acting through its Secretary, to suspend his license for nonpayment of the annual registration fee and to notify such licensee of such suspension by registered letter addressed to his last known address. If the said registration fee is not then paid within thirty (30) days from date of such notice of suspension, the Board shall then cancel such license. Practicing medicine as defined in Article 4510, Revised Civil Statutes of Texas, without an annual registration receipt for the current year as provided herein shall have the same force and effect and be subject to all penalties of practicing medicine without a license. After the Board shall have declared a license cancelled as provided herein, the Board may thereafter in its discretion refuse to issue a new license until such licensee has passed the regular examination for license as provided in this Act.

Upon receipt of such application, accompanied by the registration fee of Five Dollars (\$5.00), the Texas State Board of Medical Examiners, after ascertaining, either from the records of the Board or from other sources deemed by it to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration receipt, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the

filing of such application, the payment of the registration fee, and the issuance of such receipt shall not entitle the holder thereof to lawfully practice medicine within the State of Texas, unless he has in fact been previously licensed as such practitioner by the Texas State Board of Medical Examiners, as prescribed by law, and has recorded his license certificate entitling him to practice, as issued by said Board, in the District Clerk's Office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further that, if any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such receipt showing payment of the annual registration fee required by this Act shall not be treated as evidence that the holder thereof is lawfully entitled to practice medicine.

Sec. 3. All annual registration fees collected by the Texas State Board of Medical Examiners under this Act shall be placed in the State Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and the Comptroller shall upon requisition of the Board from time to time draw warrants upon the State Treasurer for the amounts specified in such requisition; provided, however, the fees from this Medical Registration Fund shall be expended as specified by itemized appropriation in the General Departmental Appropriation Bill, and shall be used by the Texas State Board of Medical Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine, and to carry out the other purposes for which said fund is hereby appropriated. Provided that all such prosecutions shall be subject to the direction and control of the regularly and duly constituted prosecuting officers,

and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

In performing the duties devolved by this Act upon the Board of Medical Examiners, said Board shall act through the Secretary-Treasurer of the Board of Medical Examiners. The Secretary-Treasurer shall receive a salary to be fixed by the Legislature in its General Appropriation Bill for the performance of such duties under this Act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners in the sum of not less than Ten Thousand (\$10,000.00) Dollars, conditioned that he will faithfully discharge the duties of his office. Such salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general revenue of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the Secretary-Treasurer in performing his duties and in carrying out the purposes of this Act; provided, that the compensation of all persons authorized to be employed under this chapter, shall be paid only out of said "Medical Registration Fund." All disbursements from said fund shall be made only upon written approval of the President and Secretary-Treasurer of the State Board of Medical Examiners and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 4. The annual registration fee shall apply to all persons licensed by the Texas State Board of Medical Examiners, whether or not they are practicing within the borders of this State.

Sec. 2. That Article 4499, Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4499. It shall be the duty of every district clerk to keep as a permanent record of his office a book of suitable size, to be known as the "Medical Register," and shall record therein all licenses to practice medicine issued by the Texas State Board of Medical Examiners which shall be presented to him for registration and all matters and things required by the preceding article to be recorded, and shall, as required by law, make therein notation of the cancellation of licenses so registered, and of the death

or removal from the county of physicians whose licenses are so registered. When the Texas State Board of Medical Examiners or any district court shall revoke, suspend or cancel the license of any person to practice medicine, the said clerk shall, if said license is registered in his county, note the revocation, suspension or cancellation of such license upon the Medical Register of such county, and shall forthwith certify to the Texas State Board of Medical Examiners, through the Secretary of such Board, under the seal of the District Court which he serves, the fact that such license is no longer registered, giving the exact date of such revocation, suspension or cancellation as received by him, and shall tax the fee for making such certificate against the Board as part of the costs of the cancellation proceedings. Each County Health Officer shall keep informed of the death or removal of all registered physicians residing in the county where he resided, and upon the death or removal of any such physician from said county, shall certify the fact of such death or removal, giving the name of the physician who has died or so removed, the date or approximate date of such death or removal, and shall date and sign such certificate and deliver the same, either in person or by registered mail, to the district clerk of such county, and such clerk shall make notation forthwith of such death or removal in said Medical Register, and notify the Secretary of the Texas State Board of Medical Examiners of such death or removal. The notation of such revocation, suspension or cancellation shall consist of writing in large, legible letters across the face of the record of such license revoked, suspended, or cancelled, the words "Cancelled this _____ day of _____, A. D. _____ by the Texas State Board of Medical Examiners, or by _____ District Court of _____ County."; filling in the blanks correctly so as to indicate the date of such cancellation, and such notation shall be dated and signed officially by the clerk. The notation of the death or removal of a registered physician by the district clerk shall be by noting the fact of such death or removal upon the record of the license of the physician who has died or removed from the county, in large legible letters, the date of such notation, and the official

signature of the clerk. The district clerk shall collect from each physician who presents a license for registration the sum of One Dollar (\$1.00) at the time such license is presented to him for registration, and that sum shall be full compensation for recording said license and making all notations in the Medical Register required by law to be so made in reference to the physician named in said license. All matters pertaining to each physician shall be kept and written upon one page of said Medical Register, and no other entry or registration shall ever be made on said page. It shall be unlawful for any district clerk to make a certified copy of any page or entry in said medical register, or any part thereof, which is not an exact copy of the entire page, or which does not include all notations regarding the revocation, suspension or cancellation of license, death or removal of the physician in question, appearing in the office of said clerk. A copy from the Medical Register pertaining to any person whose license is registered therein, certified to by the district clerk having the custody of the said Medical Register, under the seal of the court which he serves, shall be competent evidence in all trial courts and in hearings before the Texas State Board of Medical Examiners. The certificate of a district clerk under the seal of his office certifying that the person named in said certificate is not registered as a physician in the office of the district clerk shall also be prima facie evidence in all trial courts and in hearings conducted by the Texas State Board of Medical Examiners.

Section 3. That Title 71 of the Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended by adding a new Article, to be numbered and designated Article 4499a, to read as follows:

Article 4499a. If any license issued under this Act shall be lost or destroyed, the holder of any such license may present his application for duplicate license to the Texas State Board of Medical Examiners, on a form to be prescribed by the Board, together with his affidavit of such loss or destruction, and that he is the same person to whom such license was issued, and other information concerning its loss or destruction as the Texas State Board of Medical Examiners shall require, and shall, upon pay-

ment of a fee of Ten Dollars (\$10.00) be granted a duplicate license; provided further that the same fee as set forth above for duplicate licenses shall also apply to endorsements by the Board.

Section 4. That Article 4500, Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4500. The Texas State Board of Medical Examiners may, in its discretion, upon payment by an applicant of a fee of One Hundred Dollars (\$100.00) grant a license to practice medicine to any reputable physician who is a citizen of the United States or has filed his declaration of intention to become a citizen, and who is a graduate of a reputable medical college, or who has qualified on examination for a certificate of medical qualification for a commission in the United States Army or Navy, and to licentiates of other States or Territories having requirements for medical registration and practice equal to those established by the laws of this State. Applications for license under the provisions of this Act shall be in writing, and upon a form prescribed by the Texas State Board of Medical Examiners. Said application shall be accompanied by a diploma or photograph thereof, awarded to the applicant by a reputable medical college, and in the case of an Army Officer or Naval Officer, a certified transcript, or a certificate, or license, or commission issued to the applicant by the Medical Corps of the United States Army or Navy, or by a license, or a certified copy of license to practice medicine, lawfully issued to the applicant, upon examination, by some other State or Territory of the United States; provided that the licensing board of such other State or Territory in its examination requires the same general degree of fitness required by this State and grants the same reciprocal privileges to persons licensed by the Texas State Board of Medical Examiners of this State. Said application shall also be accompanied by an affidavit made by an executive officer of the United States Army or Navy, the President or Secretary of the Board of Medical Examiners which issued the license, or by a duly constituted registration officer of the State or Territory by which the certificate or license was granted, and on which the application for medical

registration in Texas is based, reciting that the accompanying certificate or license has not been cancelled, suspended or revoked, except by honorable discharge from the Medical Corps of the United States Army or Navy, and that the statement of the qualifications made in the application for medical license in Texas is true and correct. Applicants for license under the provisions of this Act shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of such application, stating that the license, certificate, or authority under which the applicant practiced medicine in the State or Territory from which the applicant removed, was at the time of such removal in full force and not cancelled or suspended or revoked. Said application shall also state that the applicant is the identical person to whom the said certificate, license or commission, and the said medical diploma were issued, and that no proceeding has been instituted against the applicant for the cancellation, suspension or revocation of such certificate, license, or authority to practice medicine in the State or Territory in which the same was issued; and that no prosecution is pending against the applicant in any State or Federal Court for any offense which under the laws of the State of Texas is a felony. A reputable physician under the meaning of this Act shall be one who would be eligible for examination by the Texas State Board of Medical Examiners. A reputable medical college within the meaning of this Act shall be such as is defined in Article 4501 of the Revised Civil Statutes of Texas of 1925, as amended. It is provided, however, that the Board may, in its discretion, grant a license to any reputable physician of another State or Territory, who graduated prior to 1907 from a medical college which at the time of his graduation required only three (3) courses of instruction of not less than six (6) months each for attainment of its diploma, or the Degree of Doctor of Medicine, and which, at the time of his graduation, was generally recognized by the medical examining boards of the States or Territories as maintaining entrance requirements and courses of instruction equal to those maintained by the then better class of medical schools of the United States; provided that the provisions of all

other laws of this State are complied with, including a certificate from the State Board of Examiners in the Basic Sciences.

Sec. 5. That Article 4501, Revised Civil Statutes of Texas, 1925, as amended, be amended, and is hereby amended to read as follows:

Article 4501. All applicants for license to practice medicine in this State not otherwise licensed under the provisions of law must successfully pass an examination by the Texas State Board of Medical Examiners. The Texas State Board of Medical Examiners is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. An applicant, to be eligible for examination, must be a citizen of the United States, or has filed his declaration of intention to become a citizen, and must present satisfactory proof to the Board that he is at least twenty-one (21) years of age, of good moral character, who has completed sixty (60) semester hours of college courses other than in medical school, which courses would be acceptable, at the time of completing same, to the University of Texas for credit on a Bachelor of Arts Degree or a Bachelor of Science Degree, and who is a graduate of a bona fide reputable medical school; a reputable medical school shall maintain a course of instruction of not less than four (4) terms of eight (8) months each; and shall give a course of instruction in the fundamental subjects named in Article 4503 of the Revised Civil Statutes of Texas of 1925; and shall have the necessary teaching force, and possess and utilize laboratories, equipment, and facilities for proper instruction in all of said subjects. Application for examination must be made in writing verified by affidavit, and filed with the Texas State Board of Medical Examiners on forms prescribed by the said Board, accompanied by a fee of Fifty Dollars (\$50.00). All applicants shall be given due notice of the date and place of such examination; provided that the partial examinations provided for in Article 4503 of the Revised Civil Statutes of Texas shall not be disturbed by this Article. Provided further that all students regularly enrolled in medical schools whose graduates are now permitted to take the medical examination prescribed by law in this State shall upon completion of their medical college courses be permitted to take the examination

prescribed herein. If any applicant, because of failure to pass the required examination, shall be refused a license, he or she, at such time as the Texas State Board of Medical Examiners may fix, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe, upon the payment of such part of Fifty Dollars (\$50.00) as the Board may determine to be reasonable. In the event satisfactory grades shall be made on the subjects prescribed and taken on such re-examination, the Board may grant the applicant a license to practice medicine. The Board shall determine the credit to be given examinees on the answers turned in on the subjects of complete and partial examination, and its decision thereon shall be final. Provided, however, the Secretary may issue a temporary license to practice medicine to an applicant only after he has filed his completed application, together with an additional fee of Ten Dollars (\$10.00), with the Secretary of the Texas State Board of Medical Examiners, and that all of the other requirements as required for a permanent license are complied with; such temporary license shall be valid only until the date of the next Board meeting, and at that date the temporary license automatically expires, and is of no further effect. If the applicant fails the examination, no further permit shall be issued until he has successfully passed the examination, or is eligible for and has been granted reciprocity.

Sec. 6. That Article 4502, Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4502. The fund realized from all fees payable under this Act shall first be applied to the payment of all necessary expenses of the Board, and the remainder is to be applied by order of the Board to compensate members of the Board, said compensation to each member of the Board to be Twenty Dollars (\$20.00) per day for any number of days which any such member may be active on business of the Board, whether such business consists of regular meetings, committee work for the Board, grading papers, or any other function which is a legitimate and proper function held to be necessary by the Texas State Board of Medical Examiners; provided, however, that no member of said Board shall be paid a per diem

in excess of fifty (50) days of any calendar year. Said daily compensation shall be exclusive of the necessary costs of travel of any Board member, or any other expenses necessary to the performance of his duty. Provided also, that the premium on any bond required by the Board of any officer or employee of the Board shall be paid out of said fund, as well as the necessary expenses of any employee incurred in the performance of his duties.

Sec. 7. That Article 4506, Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4506. The Texas State Board of Medical Examiners shall have the right to cancel, revoke, or suspend the license of any practitioner of medicine upon proof of the violation of the law in any respect with regard thereto, or for any cause for which the Board shall be authorized to refuse to admit persons to its examination, as provided in Article 4505 of the Revised Civil Statutes of Texas, 1925, as amended.

Proceedings under this Article shall be begun by filing charges with the Texas State Board of Medical Examiners in writing and under oath. Said charges may be made by any person or persons. The President of the Texas State Board of Medical Examiners shall set a time and place for hearing, and shall cause a copy of the charges, together with a notice of the time and place fixed for hearing, to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to practice, and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the date of the last publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications au-

thorized or required by the terms of this Act shall be privileged.

Any person whose license to practice medicine has been cancelled, revoked or suspended by the Board may, within twenty (20) days after the making and entering of such order, take an appeal to any of the district courts in the county of his residence, but the decision of the Board shall not be enjoined or stayed except on application to such district court after notice to the Board. The proceeding on appeal shall be a trial de novo, as such term is commonly used and intended in an appeal from the justice court to the county court, and which appeal shall be taken in any District Court of the county in which the person whose certificate of registration or license is involved, resides. Upon application, the Board may re-issue a license to practice medicine to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such manner and form as the Board may require.

Sec. 8. That Article 4507 and Article 4508 of the Revised Civil Statutes of Texas be and the same are hereby repealed.

Sec. 9. That Article 4509 of the Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4509. The Texas State Board of Medical Examiners shall have the power to appoint committees from its own membership, and to make such rules and regulations not inconsistent with this law as may be necessary for the performance of its duties, the regulation of the practice of medicine, and the enforcement of this Act. The duties of any such committees appointed from the Texas State Board of Medical Examiners membership shall be to consider such matters pertaining to the enforcement of this Act and the regulations promulgated in accordance therewith as shall be referred to such committees, and they shall make recommendations to the Texas State Board of Medical Examiners with respect thereto. The Texas State Board of Medical Examiners shall have the power, and may delegate the said power to any committee, to issue subpoenas, and subpoenas duces tecum to compel the

attendance of witnesses, the production of books, records and documents, to administer oaths and to take testimony concerning all matters within its jurisdiction. The Texas State Board of Medical Examiners shall not be bound by strict rules of evidence or procedure, in the conduct of its proceedings, but the determination shall be founded on sufficient legal evidence to sustain it. The Texas State Board of Medical Examiners shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The Texas State Board of Medical Examiners shall be represented by the Attorney General and/or the County or District Attorneys of this State. Before entering any order cancelling or suspending a license to practice medicine, the Board shall hold a hearing in accordance with the procedure set out in Article 4506, Revised Civil Statutes of Texas, 1925, as amended by this Act.

Sec. 10. That Article 4510 of the Revised Civil Statutes of Texas, 1925, be amended, and is hereby amended to read as follows:

Article 4510. Any person shall be regarded as practicing medicine within the meaning of this law:

(1) Who shall publicly profess to be a physician or surgeon and shall diagnose, treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof; (2) or who shall diagnose, treat or offer to treat any disease or disorder, mental or physical or any physical deformity or injury by any system or method and to effect cures thereof and charge therefor, directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas, and Article 4504, Revised Civil Statutes of Texas as contained in this Act.

Sec. 11. That Article 741 of the Penal Code of Texas of 1925, as amended, be amended, and is hereby amended to read as follows:

Article 741. Any person shall be regarded as practicing medicine within the meaning of this chapter:

1. Who shall publicly profess to be a physician or surgeon and shall diag-

nose, treat or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof.

2. Who shall diagnose, treat or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof and charge therefor, directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas and Article 4504, Revised Civil Statutes of Texas as contained in this Act.

Sec. 12. That Article 743 of the Penal Code of Texas of 1925, as amended, be amended, and is hereby amended to read as follows:

Article 743. If any person required to register as a practitioner of medicine under the provisions of Article 4498a of the Revised Civil Statutes of Texas of 1925, as amended, shall fail, neglect, or refuse to apply for and pay such annual registration fee as provided for in Article 4498a of the Revised Civil Statutes of Texas, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) and by imprisonment in the county jail for not more than thirty (30) days. Each day of such violation shall be a separate offense. Provided, however, that if any such practitioner licensed by the Texas State Board of Medical Examiners shall have had any prosecutions filed against him when such license stood suspended, revoked or cancelled, or if any penalties have been incurred by such practitioner during such period, any reinstatement of said practitioner shall in no way abate such prosecutions or penalties.

Sec. 13. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 14. That in the event any section, or part of section, or provision of this Act be held unconstitutional, invalid, or inoperative, this shall not affect the remaining sections or parts of sections of this Act, but the remainder of this Act shall be given effect as if the invalid, unconstitutional, or inoperative section, or any part or section of such section or provision had not been included.

Sec. 15. The fact that the practice of medicine, proper medical care for the people of Texas, and a satisfactory regulation of medical practice are vital to the health and welfare of the people of the State of Texas, and that the present law is not conducive to their best welfare, creates an emergency, and an imperative public necessity that the constitutional rule requiring that a bill be read on three separate days in each House be dispensed with, and that immediately upon the passage of this Act it become of full force and effect.

The committee amendment was adopted.

Senator Kazen offered the following committee amendment to the bill:

Amend House Bill 254 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL
TO BE ENTITLED**

"An Act amending Article 4498a, Article 4499, Article 4499a, Article 4500, Article 4501, Article 4502, Article 4506, Article 4509 and Article 4510 of the Revised Civil Statutes of Texas; providing for repeal of Article 4507 and Article 4508 of the Revised Civil Statutes of Texas; amending Article 741 and Article 743 of the Penal Code of Texas; requiring registration of licensed physicians, providing for duplicate licenses and endorsements, providing for temporary permits, making provision for the compensation of Board members, providing a fee for license and reciprocal agreements, providing fees for examination and provision for revocation, cancellation and suspension, providing for the powers and duties of the Texas State Board of Medical Examiners, repealing all laws and parts of laws in conflict herewith, providing severability, and declaring an emergency."

The committee amendment was adopted.

The bill, as amended, was passed to third reading.

House Bill 254 on Third Reading

Senator Kazen moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 254 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis
McDonald	

Absent

Bracewell	Russell
Moffett	

Absent—Excused

Fuller	Weinert
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The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Colson	Phillips
Corbin	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Willis

Absent

Bracewell	Russell
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Absent—Excused

Fuller	Weinert
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House Bill 664 on Second Reading

On motion of Senator Kelley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 664, A bill to be entitled

"An Act authorizing provisions in resolution authorizing the issuance of revenue bonds by navigation districts."

The bill was read second time and passed to third reading.

House Bill 664 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 664 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	

Absent

Willis

Absent—Excused

Fuller Weinert

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Fuller Weinert

Report of Conference Committee on House Bill 570

Senator Parkhouse submitted the following Conference Committee report on H. B. No. 570:

Austin, Texas,
May 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House on House Bill No. 570 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

Respectfully submitted,
PARKHOUSE
LANE
MARTIN
HARDEMAN
HAZLEWOOD

On the part of the Senate.

SANDERS
BERGMAN
POOL
HOUSTON
ATWELL

On the part of the House.

H. B. No. 570, A bill to be entitled "An Act authorizing and empowering the Board of Regents of The University of Texas, without cost or expense to the State of Texas or The University of Texas, to lease portions of land in Dallas County, Texas, deeded to the State of Texas by Southwestern Medical Foundation, to nonprofit organizations or governmental agencies for the purpose of constructing, maintaining and operating hospitals, public health centers, dormitories and housing facilities; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Board of Regents of The University of Texas is hereby authorized and empowered to lease to nonprofit charitable, scientific or educational corporations organized under the Laws of the State of Texas, or to any governmental agency or agencies a tract or tracts of land situated in Dallas County, Texas, and out of land

heretofore deeded by Southwestern Medical Foundation to the State of Texas. Such leases upon such tract or tracts of said lands as may be determined by the Board of Regents of The University of Texas, shall be upon such terms, conditions and provisions and for such period of years as the Board of Regents in its discretion may determine; provided that such leases shall be made only to such non-profit corporations or Governmental agencies for the purpose of constructing, maintaining and operating a hospital, hospitals, or public health centers and services; or for the purpose of constructing, maintaining and operating dormitories and housing facilities for students attending Southwestern Medical School of The University of Texas, or persons employed by and in institutions located upon said property of the State of Texas; provided, further, that no such lease shall be for a period longer than ninety-nine (99) years; and provided, further, that in no event shall the State of Texas or The University of Texas be liable, directly or indirectly, for any expense or cost in connection with the construction, operation and maintenance of any building or buildings, or other improvements placed upon such leased premises by any lessee.

Sec. 2. The need for additional hospital and medical educational facilities in Dallas County, which may be supplied by private nonprofit institutions in the event the use of lands may be acquired by lease under this Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—25

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Kazen	Russell
Kelley	Sadler
Lane	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis

Absent

Bracewell	Latimer
Hazlewood	Rutherford

Absent—Excused

Fuller	Weinert
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House Bill 881 on Second Reading

On motion of Senator Hardeman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 881, A bill to be entitled "An Act amending Article 7500a of Subsection 2 of Chapter 1 of Title 128 of the Revised Civil Statutes of Texas, 1925, providing for the construction of dams on private property for certain purposes without the necessity of securing a permit therefor, and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 881 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 881 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Hardeman	Rogers of Travis
Kazen	Russell
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	

Absent

Corbin	Rutherford
Hazlewood	Willis
Moore	

Absent—Excused

Fuller	Weinert
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The presiding officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	McDonald
Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Sadler
Kelley	Secrest
Lane	Strauss
Lock	Wagonseller
Martin	

Nays—1

Shireman

Absent

Latimer	Rutherford
Moore	Willis

Absent—Excused

Fuller	Weinert
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Senate Resolution 278

Senator Rogers of Childress offered the following resolution:

Whereas, Friday, May 15, 1953, is the birthday of two of our beloved and esteemed colleagues, Senator Carlos Ashley of Llano, and Senator John J. Bell of Cuero; and

Whereas, In their service thus far in this body, they have exemplified their desires and abilities to serve their State with untiring energy; and

Whereas, It is the desire of the Senate of Texas to recognize the sterling qualities of these two friendly and gentlemanly antagonists and colleagues, Senators Ashley and Bell; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the congratulations and best wishes of the Senate be, and the same are hereby, extended to the honorable Senators, Carlos Ashley and John J. Bell on the anniversary of their births.

ROGERS of Childress.

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Lane, Lati-

mer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Moffett, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Concurrent Resolution 54

Senator Bell offered the following resolution:

S. C. R. No. 54, Celebration of Pageant and Pilgrimage at old Indianola.

Whereas, On September 15, 1875, a hurricane blew in from the sea, carrying the water from Matagorda Bay deep into the streets of Indianola, Texas. The then thriving seaport town was crowded with visitors attending a trial growing out of the Sutton-Taylor Feud. Two days later, when the storm had subsided, fatalities were estimated at between 150 and 300 persons and only eight buildings were left undamaged. After being rebuilt on a lesser scale, Indianola was completely destroyed by a second hurricane that blew in eleven years later on August 19, 1886, this time accompanied by fire. This storm was considered worse than the first, but because there was less town and a smaller population, it caused less damage; and

Whereas, Indianola was known to have been an industrious and thriving seaport, having been settled largely by German immigrants led by Prince Carl of Solms-Braunfels in 1843. The town was a natural port and chosen in 1849 by Charles Morgan as a landing spot for ships of the Morgan lines from New Orleans and Galveston. From 1850 until 1861, the town, which was also made the county seat, was the military depot through which the United States Army posts in Texas were supplied. Jefferson Davis, then Secretary of War, imported two shiploads of camels into Indianola for pack purposes, but these great beasts of burden proved unsatisfactory on the hot Texas plains and the plan to use them died a natural death. The Indianola Railroad, one of the first in Texas, began there in 1859. After various transfers, this railroad became a part of the Galveston, Harrisburg

and San Antonio in 1905, and as such became a part of our present Southern Pacific system. There were many plants for slaughtering cattle for their hides and tallow, and industries for canning turtles and killing and dressing wild turkeys; and

Whereas, The pioneering stock of this once flourishing city estimated at approximately six thousand, are to be held in high esteem for their original hardiness, and more particularly for their valor and courage portrayed following the disastrous storm of 1875. Their will to survive and rebuild their town is an honored and treasured memory. Of the many ghost towns of Texas, none lived longer, none thrived better, none died as tragic a death as Indianola, and the memory of her existence and the bravery of her citizens lives enshrined in the hearts and active minds of the descendants; and

Whereas, "The Queen City of the West," as she was known, is now marked only by the beauty of flowering oleanders, the fragrant wild flowers, the indigenous salt cedars, and the expanse of white shell beaches washed calmly by the ceaseless waves. The haunting memory of once loved homes is marked only by old broken cisterns, and the inevitable cemetery filled with unkept graves of those who remain behind. La Salle Monument, however, which is an impressive structure at Indianola, marks the spot on the west shore of Matagorda Bay near where René Robert Sieur de la Salle is thought to have landed on the Texas shore in 1685. At the present time La Salle Monument State Park is visited daily by hundreds of out-of-doors picnickers and lovers of salt water swimming; and

Whereas, It is the desire of the Indianola Cemetery Association sponsored by the James W. Fannin Chapter of the Daughters of the Republic of Texas, Victoria, Texas, to construct and repair the fence surrounding the Old Indianola Cemetery; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Legislature urge all interested citizens of Texas to attend the ceremony and pilgrimage commemorating our courageous dead, and honoring the Association that strives so diligently to keep the actual facilities in respectable condition; and, be it further

Resolved, That the Legislature extend an invitation to all interested

citizens of Texas to attend the pageant and pilgrimage to be presented at Old Indianola on Matagorda Bay on Sunday morning at 10:30 o'clock A. M., May 17, 1953, to be followed by a barbecue lunch prepared by the sponsors and to defray expenses and thus encourage this worthy project.

BELL
STRAUSS

The resolution was read.

On motion of Senator Bell, and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 39 on Second Reading

The Senate resumed consideration of pending business (same being H. B. No. 39 on its second reading with an amendment by Senator Kelley to H. B. No. 39 pending).

Question—Shall the amendment by Senator Kelley to H. B. No. 39 be adopted?

Senator Kelley withdrew the pending amendment.

Senator Kelley then offered the following amendment to the bill:

Amend House Bill 39, page 1, Section 2, Subsection a, by striking out the words "except that provisions relating to the inspection of trailers and semi-trailers and the load carried thereon is four thousand (4000) pounds or less" and inserting in lieu thereof the following:

"That provisions relating to the inspection of trailers and semi-trailers shall not apply when the gross weight of such trailers and semi-trailers and the load carried thereon is four thousand (4000) pounds or less."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. No. 39 by taking out the comma between the words "only" and "the" on line 56 of the printed copy and inserting a comma between the words "repairs" and "only" on line 56 of such printed copy.

The amendment was adopted.

Senator Ashley offered the following amendment to the bill:

Amend H. B. No. 39, Section 141 (a)

by striking out all of paragraph (6) thereof and inserting in lieu thereof the following:

"Upon being advised that an application will be approved, the applicant shall provide the bond hereinafter required and a fee of Two Hundred Dollars (\$200) which shall constitute the certificate fee until August thirty-first of the odd-numbered year following the date of appointment. Thereafter, appointments shall be made for two-year periods and the certificate fee for each such period shall be Two Hundred Dollars (\$200). All certificate fees shall be placed in a fund in the State Treasury to be known as the Motor Vehicle Inspection Fund and shall be used by the Department to employ and equip State highway patrolmen in addition to the number of patrolmen now authorized by law, and employing and equipping of such additional patrolmen is hereby authorized, and for the administration of this Act. Any excess in such fund over and above the amounts otherwise appropriated by law is hereby appropriated for the employing and equipping of patrolmen as authorized herein."

The amendment was read.

(Pending discussion by Senator Ashley of his amendment, Senator Aikin occupied the Chair temporarily.)

(President in the Chair.)

Question—Shall the amendment by Senator Ashley to H. B. No. 39 be adopted?

Bill Signed

The President signed, in the presence of the Senate, after the caption had been read, the following enrolled bill:

S. B. No. 314, A bill to be entitled "An Act validating the incorporation of all cities and towns of 5,000 inhabitants or less, heretofore incorporated or attempted to be incorporated under the General Laws of this State; validating the boundary lines thereof; validating governmental proceedings and acts; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation if such litigation is ultimately determined against the legality thereof; provid-

ing a severability clause; and declaring an emergency."

Adjournment

Senator Sadler moved the Senate stand adjourned until 10:30 o'clock Monday morning.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Ashley	Martin
Hardeman	McDonald
Hazlewood	Moffett
Kazen	Phillips
Kelley	Sadler
Lane	Secrest
Lock	Strauss

Nays—12

Aikin	Rogers
Bell	of Childress
Bracewell	Rogers of Travis
Colson	Russell
Corbin	Shireman
Latimer	Wagonseller
Parkhouse	

Absent

Moore	Willis
Rutherford	

Absent—Excused

Fuller	Weinert
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Accordingly the Senate at 5:08 o'clock p. m. adjourned until 10:30 o'clock a. m. on Monday, May 18, 1953.

SIXTY-THIRD DAY

(Monday, May 18, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis